

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

FRANCOISE OLSCHWANGER, §  
ET AL. §  
§  
v. § CIVIL CASE NO. 4:19-CV-933-SDJ  
§  
STATE FARM LLOYDS §

**MEMORANDUM ADOPTING THE REPORT AND  
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the Report and Recommendation of the United States Magistrate Judge (“Report”), this matter having been referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On July 30, 2021, the Report of the Magistrate Judge, (Dkt. #47), was entered containing proposed findings of fact and recommendations that Defendant State Farm Lloyds’ Motion for Summary Judgment, (Dkt. #39), be granted. Having assessed the Report and the record in this case, and no objections to the Report having been timely filed, the Court determines that the Magistrate Judge’s Report should be adopted.

It is therefore **ORDERED** that Defendant State Farm Lloyds’s Motion for Summary Judgment, (Dkt. #39), is **GRANTED** and each of Plaintiff’s claims for violation of the Texas Insurance Code (save and except Plaintiff’s claim under § 542.058) and breach of the duty of good faith and fair dealing are **DISMISSED WITH PREJUDICE**. Plaintiff’s claims for breach of contract and violation of § 542.058 of the Texas Insurance Code shall proceed to trial.

So ORDERED and SIGNED this 30th day of August, 2021.



SEAN D. JORDAN  
UNITED STATES DISTRICT JUDGE